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8 **UNITED STATES DISTRICT COURT**  
9 **CENTRAL DISTRICT OF CALIFORNIA**  
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11 AURELIO MENDEZ

12 Petitioner,

13 v.

14 C. SWAIN, Warden,

15 Respondent.  
16 \_\_\_\_\_


) Case No. ED CV 18-922-RGK (SP)

) **ORDER ACCEPTING FINDINGS AND**  
) **RECOMMENDATION OF UNITED**  
) **STATES MAGISTRATE JUDGE**

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18 Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition, records on  
19 file, and the Report and Recommendation of the United States Magistrate Judge.  
20 Further, the Court has engaged in a de novo review of those portions of the Report to  
21 which petitioner has objected. The Court accepts the findings and recommendation  
22 of the Magistrate Judge.

23 IT IS THEREFORE ORDERED that respondent's Motion to Dismiss (docket  
24 no. 10) is granted, and Judgment will be entered denying the Petition and dismissing  
25 this action without prejudice.

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27 DATED: September 27, 2019

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HONORABLE R. GARY KLAUSNER  
UNITED STATES DISTRICT JUDGE